



## BOARD OF PUBLIC WORKS & SAFETY JANUARY 8, 2004 MINUTES

Mayor Charles Henderson called the meeting to order at 8:32 a.m.

<b>PRESENT:</b>	Board members Warren Beville, Mayor Henderson, Kevin Hoover; Clerk-Treasurer Jeannine Myers; City Attorney Shawna Koons-Davis and Director of Engineering Paul Peoni.
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Mr. Beville moved to accept the minutes of December 18<sup>th</sup> as presented. Second by Mr. Hoover. Vote: Ayes.

Franklin Woods of 1464 Hamilton Drive approached to ask for encroachment of a drainage and utility easement for construction of a free standing deck, 12' by 24'. Mr. Peoni explained that there is a B.P. Oil pipeline easement on each side of the rear property line that extends 25' towards the home and a 15' drainage and utility easement beyond that. He added that there should not be a problem with the drainage according to the plat, although he has not been to the site. The Mayor explained that the normal process involves getting a letter of permission from the utilities, and if the deck had to be moved, Mr. Woods would not be compensated for it. Mr. Hoover moved to grant the easement encroachment request, subject to the understanding that the homeowner bears responsibility for any damage that may be incurred to the deck, also to getting the appropriate releases from all the utility holders in the easement, and subject to final review and approval of the construction plans by the Engineering Department. Second by Mr. Beville. Vote: Ayes.

Mike Ramsey of Projects Plus, on behalf of Applebee's at Riverwood Marketplace, requested acceptance of performance bonds and encroachment of the sanitary sewer easement. Mr. Ramsey referred to a map to point out the location of the site and the easement. Applebee's would like to encroach with about 8' of parking lot and perimeter landscaping. They understand they would take full responsibility for the improvements in the easement if they were damaged. The Sanitation Superintendent did not have an objection, as there was that understanding, and suggested that the trees not be planted directly over the sewer line. Mr. Hoover moved to grant the encroachment request, that staff prepare an agreement that will include the standard language that improvements are put in at the owner's risk and that the plantings be as far to the west as possible. Second by Mr. Beville. Vote: Ayes. The amounts and improvements shown on the bonds are correct but changes are needed on the form. Mr. Hoover moved to:

- 1) Accept performance bond #CMS 217808 in the amount of \$14,597.99 for the installation of the dirtwork and storm sewer at the Applebee's at Riverwood Marketplace.
- 2) Accept performance bond #CMS 217807 in the amount of \$7,756.10 for the installation of the sidewalks at the Applebee's at Riverwood Marketplace.
- 3) Accept performance bond #CMS 217806 in the amount of \$4,290.00 for the installation of the erosion control at the Applebee's at Riverwood Marketplace.
- 4) Accept performance bond #CMS 217809 in the amount of \$7,050 for the installation of the street improvements at the Applebee's at Riverwood Marketplace, subject to
  - a) Review and approval of the bond form by the City Attorney.

Second by Mr. Beville. Vote: Ayes.

For Woodgate Section 7, Mike Simon of Republic Development asked for acceptance of performance bonds, acceptance of improvements, acceptance of maintenance bonds and execution of the plat. The Sanitation Superintendent has issued a letter of approval for the sanitary sewers, noted Mr. Peoni, and all items being asked for acceptance appear to be satisfactorily installed. The Engineering Department has received acceptable mylar as-builts. The amounts shown on the bonds are correct; the plat requires some minor revisions. Ms. Koons-Davis found minor revisions are needed to the bond form. Per Mr. Peoni's memo, Mr. Hoover moved to:

- 1) accept The sanitary sewers at Woodgate Subdivision, Section 7.

- 2) Accept three (3) year maintenance bond #103852 in the amount of \$5,938 for the sanitary sewers at Woodgate Subdivision, Section 7.
- 3) Accept the dirtwork and storm sewers at Woodgate Subdivision, Section 7.
- 4) Accept three (3) year maintenance bond #103851 in the amount of \$7,697 for the dirtwork and storm sewers at Woodgate Subdivision, Section 7.
- 5) Accept the stone base, asphalt base, asphalt binder, concrete curbs (streets) at Woodgate Subdivision, Section 7.
- 6) Accept three (3) year maintenance bond #103846 in the amount of \$13,624 for the stone base, asphalt base, asphalt binder, concrete curbs (streets) at Woodgate Subdivision, Section 7.
- 7) Accept performance bond #103847 in the amount of \$87,519 for the installation of the erosion control at Woodgate Subdivision, Section 7.
- 8) Accept performance bond #103848 in the amount of \$6,988 for the installation of the asphalt surface (topcoat) at Woodgate Subdivision, Section 7.
- 9) Accept performance bond #103849 in the amount of \$22,869 for the installation of the sidewalks at Woodgate Subdivision, Section 7.
- 10) Accept performance bond #103850 in the amount of \$2,101 for the installation of the street signs and monuments at Woodgate Subdivision, Section 7.
- 11) Execute the plat, all subject to:
  - a) Review and approval of the bond form by the City Attorney.
  - b) Payment of final inspection and testing fees for the sanitary sewer.
  - c) Payment of final inspection and testing fees for all other improvements.
  - d) Payment of the 1/3 SAF fee for all lots in this subdivision.
  - e) Final review and approval of the revised plat by the Engineering Department.

Second by Mr. Beville. Vote: Ayes.

Concerning the Buckmoor Lift Station improvements, Attorney Joe Van Valer asked for acceptance of the improvements, acceptance of the maintenance bond, and release of the performance bond. Mr. Van Valer discussed the effort of the developer to satisfy homeowners whose property had been damaged during the project. Letters were sent to all residents affected by the project, though not in the form of a release. Homeowners on lots 85 and 86 have each received a check from the developer with his assurance that he would meet any difference in the cost for further work. Mr. Van Valer reported on the other lots at this point, and had documentation for the response of the homeowners. As there was not an official release sent, Mr. Van Valer commented it is a very awkward position to ask these homeowners to sign a release, because the language is more harsh. All of those affected, except for two not responding, have acknowledged that either they are satisfied or have said what they want done to correct a problem. Those requests have been answered, said Mr. Van Valer, referring to documentation in his packet. After the Board expressed concerns about liability, Mr. Van Valer assured them that the developer has no objection to a performance guarantee or a "Hold Harmless" Agreement so that if a problem comes up in the future the City will have that to fall back on. Mr. Hoover agreed that we should fashion an indemnity agreement acceptable to the City Attorney to protect the City. Per Mr. Peoni's memo, Mr. Hoover moved to:

- 1) Accept the upgrade improvements to the Buckmoor Lift Station and Force Main.
- 2) Accept a three (3) year maintenance bond in the amount of \$77,110 for the upgrade improvements to the Buckmoor Lift Station and Force Main.
- 3) Accept and execute the "Owner's Certification of Completion of Improvements and Contractor's Affidavit for the Buckmoor Lift Station Upgrade".
- 4) Release performance bond #B2185007 in the amount of \$385,550 for the installation of the upgrade improvements to the Buckmoor Lift Station and Force Main, subject to:
  - a) Receipt of ORIGINAL three (3) year maintenance bond.
  - b) Review and approval of the ORIGINAL three (3) year maintenance bond by both the Engineering and Law departments.
  - c) Final approval letter from the Sanitation Superintendent.
  - d) Payment of the final Inspection & Testing fees for the sanitary sewer.
  - e) Payment of the final outside engineering review fees.
  - f) An appropriate indemnity agreement with appropriate security to be determined by the City Attorney, with respect to potential issues regarding the property for yards that were disturbed during the upgrade.

Second by Mr. Beville. Mr. Peoni asked for copies of the letters signed by the homeowners. Mr. Van Valer agreed. Vote: Ayes.

Paul Maurer of Maurer & Smithers, on behalf of Devonshire Apartments, asked for acceptance of the sanitary sewers and easements and acceptance of the maintenance bond. Mr. Hoover moved to:

- 1) Accept the sanitary sewers at Devonshire Apartments.
- 2) Accept three (3) year maintenance bond #400TC1142 in the amount of \$35,415.91 for the sanitary sewers at Devonshire Apartments.
- 3) Accept the two (2) sanitary sewer easements that cross the Devonshire Apartment project, all conditioned upon:
  - a) Review and approval of the bond form by the City Attorney.
  - b) Payment of final Inspection & Testing fees for the sanitary sewer.
  - c) Final approval letter from the Sanitation Superintendent.
  - d) Receipt of acceptable mylar as-builts.
  - e) Conditions of the Buckmoor Lift Station Upgrade acceptance being met.

Second by Mr. Beville. After discussion, Mr. Hoover removed the condition concerning the Buckmoor Lift Station Upgrade. Second by Mr. Beville. Vote: Ayes.

John Meyer Jr. of KOE Engineering, on behalf of The Pointe on State Road 135, asked for acceptance of the sidewalks, acceptance of the maintenance bond for sidewalks and release of the performance bond. The sidewalk and sanitary sewer easements have previously been accepted. Mr. Hoover moved to:

- 1) Acknowledge that the private dirtwork, storm sewers and erosion control have been installed in reasonable compliance with the design plans.
- 2) Accept the sidewalks at S.R. 135 at The Pointe.
- 3) Accept Certificate of Deposit (CD) #6008773537 from National City in the amount of \$1,000 to act as a three (3) year maintenance guarantee for the sidewalks along S.R. 135 at The Pointe.
- 4) Release Certificate of Deposit #21200 from Heartland Community Bank in the amount of \$14,588.05 acting as a performance guarantee for the installation of the private dirtwork, storm sewers, erosion control and sidewalks at The Pointe on S.R. 135, all subject to:
  - a) Receipt of mylar as-builts by the Engineering Department.

Second by Mr. Beville. Vote: Ayes.

Mr. Meyer next discussed Lot 10 Greenwood Industrial Airpark Commercial Site. They are requesting acceptance of the Inspection & Testing Agreement and waiver approval to allow dry detention. The lot is 1.6 acres. Mr. Meyer explained that the drainage ordinance requires a ½ acre minimum wet pond, which is not practical for this size lot. The owner does not want a wet pond. Mr. Peoni told the Board that the drainage calculations meet our requirements, and agreed that dry detention would be a good idea on a lot this size. Mr. Hoover moved to accept the Inspection & Testing Agreement and waive the wet detention requirement to allow a plan acceptable to the Engineering Department. Second by Mr. Beville. Vote: Ayes.

Brett Henry of Krieg-Devault LLP represented Union Federal Bank of Indianapolis to ask for acceptance of a 5' sidewalk easement along State Road 135 near Menards. Mr. Peoni confirmed that the legal description and the exhibit are in order. Cross reference information would have to be added, commented counsel, because the conveyance has not been completed. Mr. Hoover moved to accept the sidewalk easement and approve the sidewalk easement grant. Second by Mr. Beville. Vote: Ayes.

From the audience, Mr. Van Valer came forward to discuss a parcel on the west side of Peterman Road. They are attempting to go before the drainage board, which has called into question the validity of the D&UE easements that exist. They have told Mr. Van Valer that they want either new easements or the approval of the grantee or the grantor to use that easement for stormwater drainage. There was considerable discussion. Sanitation Superintendent Keith Meier said that he had no objection to granting the request. Mr. Hoover moved to consent to the use of the subject easement for stormwater drainage. Second by Mr. Beville. Vote: Ayes.

Director of Operations Norm Gabehart was invited to speak. Approximately seven months ago a committee comprised of employees was formed to reduce the number of automobile accidents. Mr. Gabehart noted that the committee has worked diligently to establish policies and procedures. Todd Petty of Fleet Maintenance, chairman of the accident review committee, discussed the policies proposed by the committee. Mr. Hoover expressed a concern that when you put policies and procedures in place, you have to follow them. Mr. Gabehart mentioned that in 2002 the number of accidents involving City-owned vehicles exceeded 30. Mr. Beville moved to approve the policies as described. Second by Mr. Hoover. Vote: Ayes. Mayor Henderson reminded Mr. Petty and the other department heads of the need to be diligent.

Mr. Beville moved that the claims be approved as presented through January 8<sup>th</sup>. Second by Mr. Hoover.  
Vote: Ayes.

The Mayor announced that the prayer breakfast is March 6<sup>th</sup>.

With no further business, the meeting adjourned at 9:40 a.m.